

ZB# 98-39

Thomas Jannotti

18-2-12

Prelim.

Sept. 14, 1998.

Notice to Sentinel on 10/16/98.

Public Hearing:

Nov. 9, 1998.

Area Variance

Approved

Refund:

\$ 180.50.

#98-39- Jannotti, Thomas
Sec. 48-14C(2)
Area 18-2-12

DATE Oct 15, 1992 RECEIPT 065687

RECEIVED FROM Thomas Jannotti

AMOUNT Eighty 00/100 DOLLARS \$50.00

for 2 BA # 98 39

Town Clerk

Dorothy N. Hansen

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	00
AMOUNT PAID		CHECK	50.00
BALANCE DATE		MONEY ORDER	



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Vannotti, Thomas

FILE# 98-39

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA X

USE _____

APPLICATION FOR VARIANCE FEE \$ 50.00

*

*

*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*paid 10/15/98
ck # 523*

*paid 10/15/98.
ck # 524*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 9/14/98-9 \$ 40.50

2ND PRELIMINARY- PER PAGE 11/9/98-2 \$ 9.00

3RD PRELIMINARY- PER PAGE \$ _____

PUBLIC HEARING - PER PAGE \$ _____

PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 49.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 9/14/98 \$ 35.00

2ND PRELIM. 11/9/98 \$ 35.00

3RD PRELIM. \$ _____

PUBLIC HEARING. \$ _____

PUBLIC HEARING (CONT'D) \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____

TOTAL \$ 119.50

LESS ESCROW DEPOSIT \$ 300.00

(ADDL. CHARGES DUE) \$ _____

REFUND DUE TO APPLICANT . \$ 180.50

Refund

Date 11/20, 1978

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Thomas Vannotti DR.

102 Cedar Ave, New Windsor, N.Y.

[illegible]

THOMAS JANNOTTI
102 CEDAR AVE 914-561-0593
NEWBURGH, NY 12550

524

DATE 10/15/98

10-4/220
BRANCH 419

PAY TO THE
ORDER OF

Town of New Windsor
Three Hundred & 00/100

\$ 300.00/100

DOLLARS  Security features
included.
Details on back.

 Met Bank

Member FDIC
Hudson Valley Division
Shoprite Vails Gate Office

FOR ZBA #98-39

Thomas Jannotti

⑆022000046⑆11000911263333⑆0524

© HARLAND

THOMAS JANNOTTI
102 CEDAR AVE 914-561-0593
NEWBURGH, NY 12550

523

DATE 10/15/98

10-4/220
BRANCH 419

PAY TO THE
ORDER OF

Town of New Windsor
Fifty & 00/100

\$ 50.00/100

DOLLARS  Security features
included.
Details on back.

 Met Bank

Member FDIC
Hudson Valley Division
Shoprite Vails Gate Office

FOR ZBA #98-39

Thomas Jannotti

⑆022000046⑆11000911263333⑆0523

© HARLAND

Date 11/12/98, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane DR.
Newburgh, N.Y. 12550

T		CLAIMED		ALLOWED	
98	Zoning Board Mtg	75	00		
	Misc - 1				
	Zaczko - 1				
	Pellegrino - 6				
	Bonura - 2				
	Ryan - 5				
	Corevas - 3				
	Jannotti - 2 9.00				
	Amonatides - 3				
	23	103	50		
		178	50		

PUBLIC HEARING:

JANNOTTI, THOMAS

MR. NUGENT: Request for variation of Section 48-14C(2) of the Supplemental Yard Regulations for over-sized deck at 102 Cedar Avenue in R-4 zone.

Mr. Thomas Jannotti appeared before the board for this proposal.

MR. NUGENT: Let the record show there's no one here.

MS. BARNHART: We sent out 59 letters to adjacent property owners on October 22 and as you can see, everybody was interested in this.

MR. NUGENT: Nobody cares what you're doing.

MR. JANNOTTI: Everybody remember this?

MR. TORLEY: Just few things for the record. Your oversized deck does not interfere with any water flows, access, is not sitting over sewer line or septic tank?

MR. JANNOTTI: No.

MR. TORLEY: If you did not have a deck, it would be impractical for you to move the deck or attach it to another portion of the house? It would be financially impractical to move the deck?

MR. JANNOTTI: No, there's no place else to move it.

MR. KANE: Deck's going in, is a safety feature if you step out the front door without a deck, you'd have a fall?

MR. JANNOTTI: Yeah, about that high.

MR. KANE: Homes in the area have similar type of front entrances to the house?

MR. JANNOTTI: Yes.

MR. TORLEY: More like a front porch.

MR. KANE: It's not changing the nature of the neighborhood in any way?

MR. JANNOTTI: Not at all.

MR. REIS: Blocking any views or create any type of hazard or anything like that?

MR. JANNOTTI: No.

MR. KRIEGER: One family home in the neighborhood of one family homes, right?

MR. JANNOTTI: Yes.

MR. KRIEGER: This wouldn't block the view of any motorists or vehicles coming and going by?

MR. JANNOTTI: No, doesn't protrude anywhere.

MR. KANE: I move that we approve Mr. Jannotti's application for variance at 102 Cedar Avenue.

MR. REIS: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

In the Matter of the Application of

THOMAS JANNOTTI

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#98-39.

WHEREAS, THOMAS JANNOTTI, residing at 102 Cedar Avenue, New Windsor, New York, N. Y. 12553, has made application before the Zoning Board of Appeals for a variation of Section 48-14C(2) of the Supplemental Yard Regulations for an over-sized deck on the front portion of his residence at the above location in an R-4 zone; and

WHEREAS, a public hearing was held on the 9th day of November, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of himself for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a one-family home located in a neighborhood containing one-family homes.

(b) A deck is a necessary safety feature on the home because without it anyone stepping out of the front door would experience a drop to the ground resulting in probable injury.

(c) The house is so constructed so there is no place else to put the deck other than in its location.

(d) Homes in the area have similar decks.

(e) The deck as it exists does not block any views or interfere with sight lines or adjacent vehicular traffic in any way. The existing deck does not create any water hazards nor does it cause the ponding or collection of water.

(f) The deck as it exists does not interfere with any water or sewer service to the property.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations (approximately 25%) but nevertheless is warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for variation of Section 48-14C(2) of the Supplemental Yard Regulations to allow an oversized deck at the above residential dwelling in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: January 25, 1999.



Chairman

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

#1 ZBA 9-14-98
SET UP FOR P/H

#98-39

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: September 2, 1998

APPLICANT: Thomas Jannotti
102 Cedar Avenue
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: September 2, 1998

FOR : For existing 8' X 21' porch.

LOCATED AT: 102 Cedar Avenue

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 18-2-12

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing front porch enlargement of 8' X 21' exceeds maximum permitted size of 8' wide and 6' out.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 48-14-C-(2)

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE W/ ATTACHED MAP

STOP WORK ORDER ISSUED 8-27-98 Jiri

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Thomas Jannotti

Address 102 Cedar Ave New Windsor Phone 561-0593

Mailing Address _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder owner & builder

If applicant is a corporation, signature of duly authorized officer.

FOR OFFICE USE ONLY

Building Permit # _____

1. On what street is property located? On the west side of Cedar Ave.
(N,S,E or W)
and _____ feet from the intersection of Cedar & Walnut
2. Zone or use district in which premises are situated R 4 Is property a flood zone? Y _____ N ☒
3. Tax Map Description: Section 18 Block 2 Lot 12
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 - a. Existing use and occupancy _____
 - b. Intended use and occupancy _____
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☒ Removal ☐ Demolition ☐ Other ☐
replace existing porch 8x14 with 8x21
6. Is this a corner lot? Yes
7. Dimensions of entire new construction. Front 8'x21' Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
 Number of bedrooms _____ Baths _____ Toilets _____
 Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
 If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost \$1000.00 Fee \$50
(To be Paid on this Application)
11. School District _____

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost an additional fee may be required before the issuance of Certificate of Occupancy.

____ / ____ / 19 ____

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi, Ernst Schmidt
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 564-4618 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

REFER TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☐

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

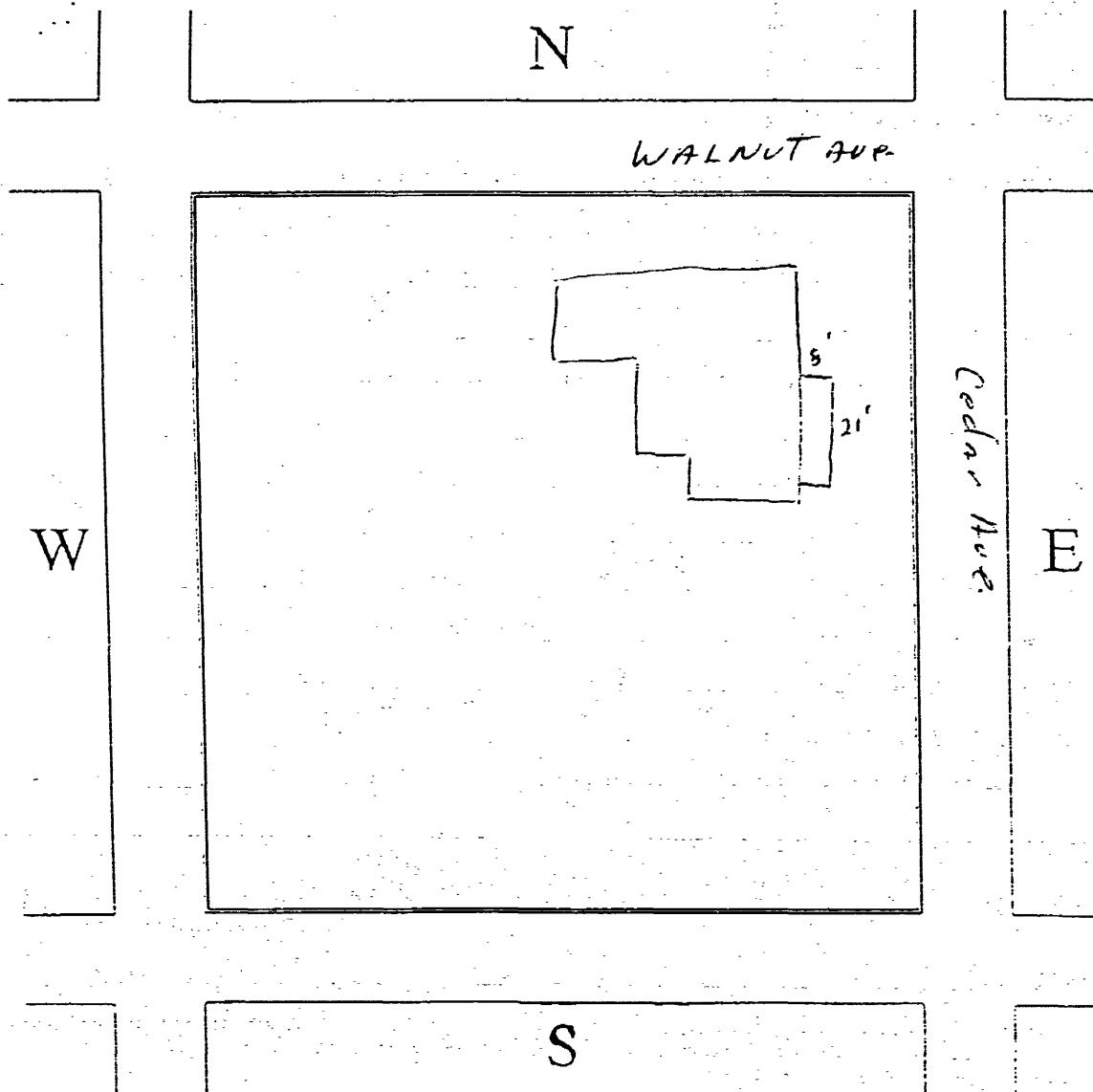
Thomas Jannotti
(Signature of Applicant)

SAME
(Address of Applicant)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



2x6
Double girder

Lag bolts 16" O.C.

2x6 roof Joists
16" on center

1/2" Sheathing
Snow + ice guard
20 yr shingles
Flashing under Siding

5/4 x 6 Floor

4x4 Posts (4) 6' 8" apart

Lag bolts
16" on center

2x8 Floor Joist
16" on center
with joist hangers

21'

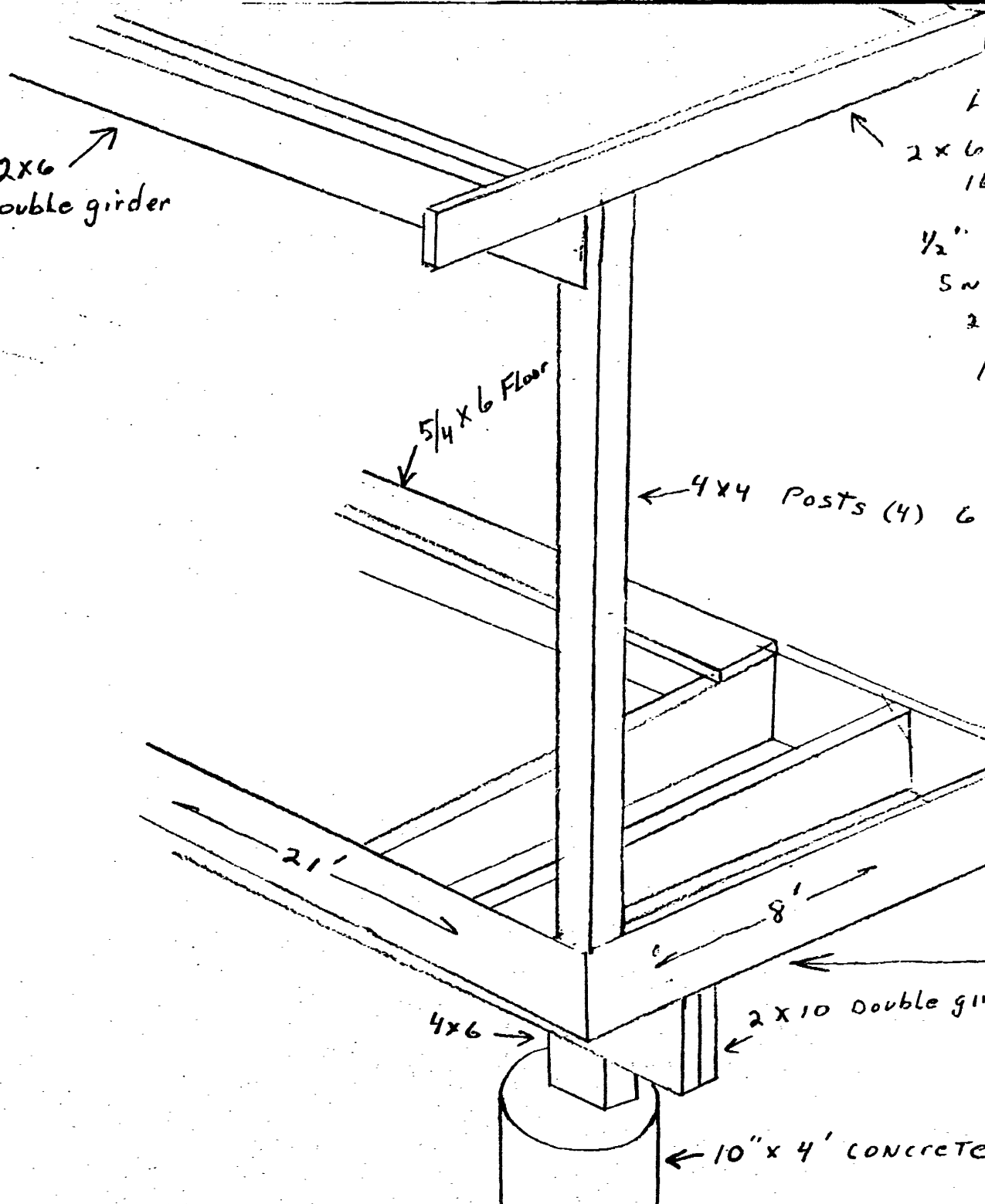
8'

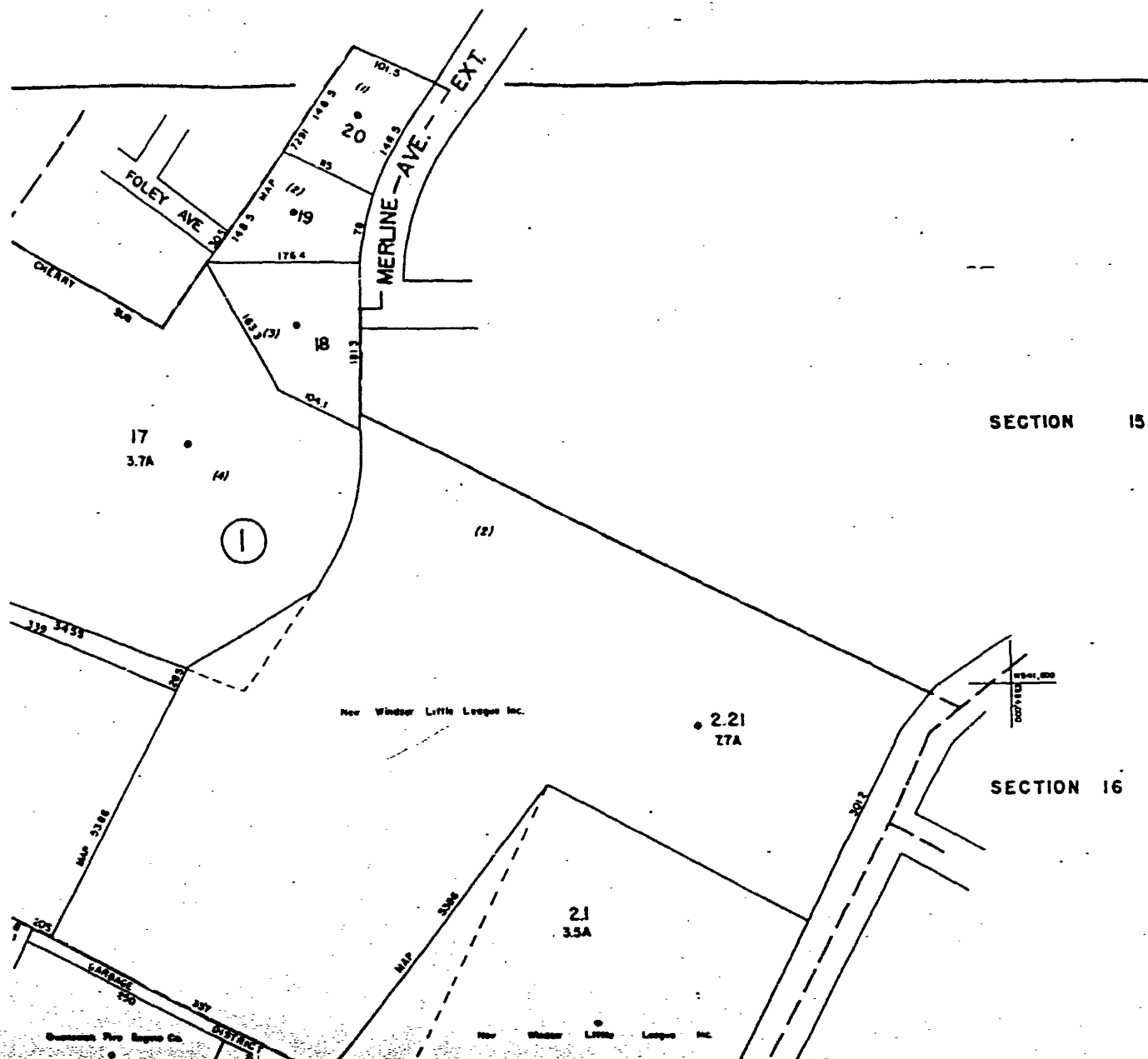
Pre Formed Steps
(3)

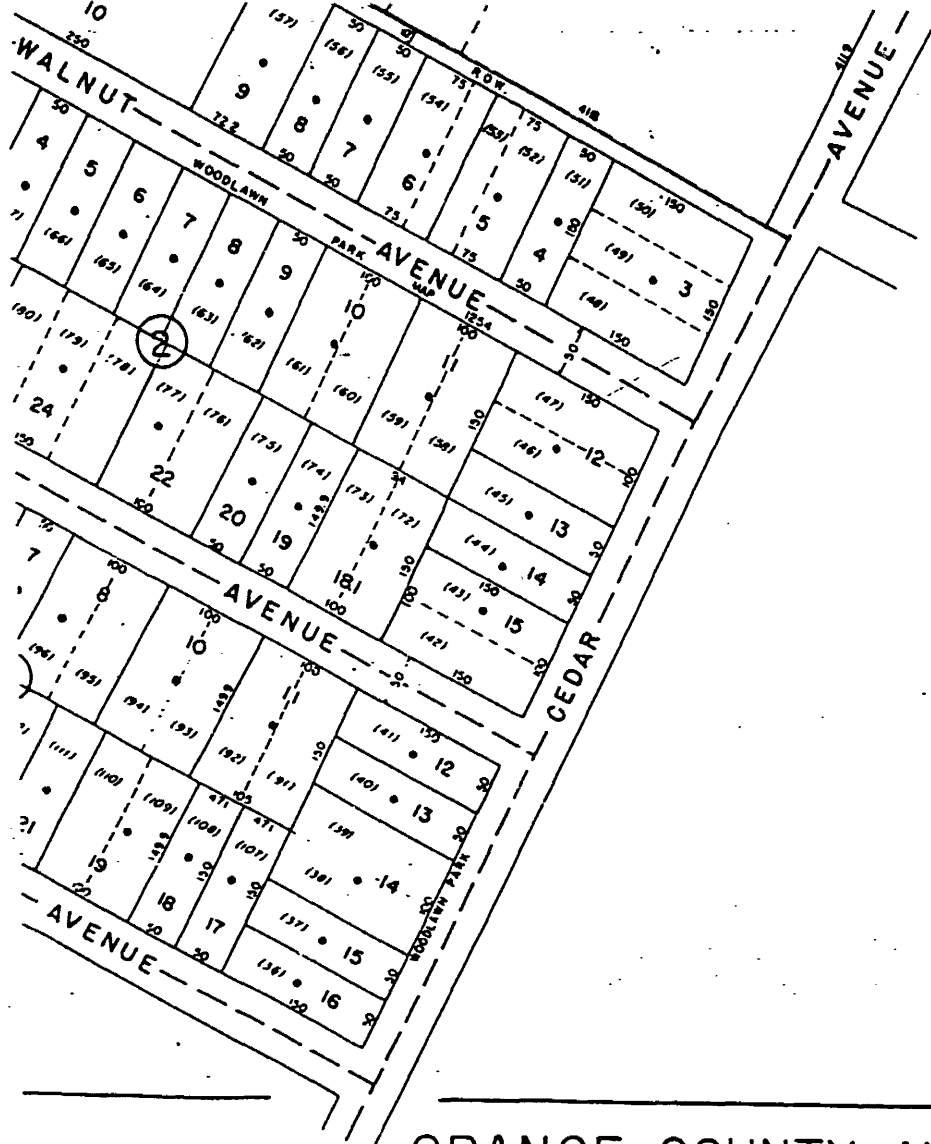
4x6

2x10 Double girder

10" x 4' concrete supports (4) 5' apart







SECTION 19



ALL NEWBURG
ALL QUASSA

FILED PLAN BLOCK NO	2
FILED PLAN LOT NO	1
STATE HIGHWAYS	NY STATE HIGHWAY NO. 1
COUNTY HIGHWAYS	COUNTY HIGHWAY NO. 1
TOWN ROADS	TOWN ROAD NO. 1

ORANGE COUNTY~NEW YORK

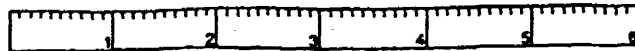
Photo No. 14-30,31,32 Date of Map: 9-24-67
Date of Photo: 3-1-65 Date of Revision: 3-1-93

Scale: 1" = 100'

TOWN OF NE

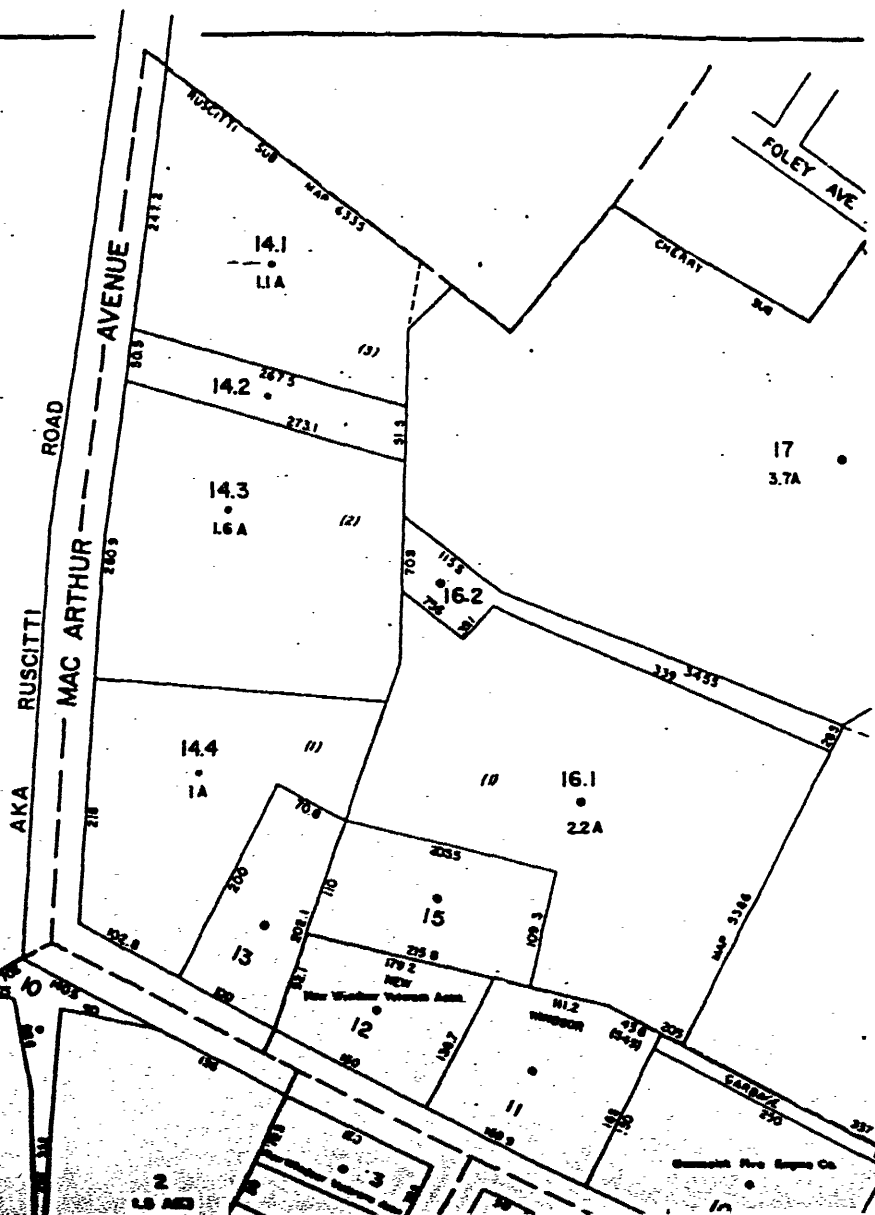
Section No.

SCALE IN 1/10 OF AN INCH



1-800-345-7334

SECTION 9



**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

Thomas Jannotti,
Applicant.

#98-39.

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on Oct. 27, 1998, I compared the 59 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
28th day of Oct, 1998.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1999

Rec'd. 28A
10/29/98 (A13)

PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 39.

Request of Thomas Vannotti

for a VARIANCE of the Zoning Local Law to Permit:

enlargement of front porch;

being a VARIANCE of Section 48-14 C (2) Supp. Yard Regs.

for property situated as follows:

102 Cedar Avenue, New Windsor, N.Y.

known and designated as tax map Section 18, Blk. 2, Lot 12.

SAID HEARING will take place on the 9th day of November, 1998 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

October 8, 1998

Mr. Thomas Jannotti
102 Cedar Avenue
New Windsor, NY 12553

Tax Map Parcel #18-2-12

Dear Mr. Jannotti:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this is \$75.00, minus your deposit of \$25.00.

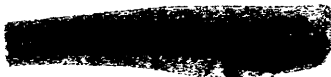
Please remit the balance of \$50.00 to the Town Clerk's office.

Sincerely,

Leslie Cook *lmo*

Leslie Cook
Sole Assessor

/po
Attachments



18-1-2.1 New Windsor Little League Inc. PO Box 4024 New Windsor, NY 12553 X	18-2-4 Joseph & Ann B. Chernek 21 Walnut St. New Windsor, NY 12553 X	18-2-15 Charles H. Broe 108 Cedar Ave. New Windsor, NY 12553 X
18-1-3 Charles J. & Edward J. Schebesta 96 Cedar Ave. New Windsor, NY 12553 X	18-2-5 James J. & Susan A. Stenkiewicz 19 Walnut Ave. New Windsor, NY 12553 X	18-2-18.1 Sarah A. Lucas 6 Locust Ave. New Windsor, NY 12553 X
18-1-4 Edward K. & Ondrea R. McCarvel 6 Walnut Ave. New Windsor, NY 12553 X	18-2-6 Robert Jr. & Deborah McMillian 17 Walnut Ave. New Windsor, NY 12553 X	18-2-19 Robert F. & Richard G. Rogers 8 Locust Ave. New Windsor, NY 12553 X
18-1-5 Andrew J. & Suzanne Bederka 8 Walnut Ave. New Windsor, NY 12553 X	18-2-7 Rosemarie Winters 15 Walnut St. New Windsor, NY 12553 X	18-2-20 Scott M. & Pamela J. Slepoy 10 Locust Ave. New Windsor, NY 12553 X
18-1-6 Charles D. & Elma H. Hurd 10 Walnut Ave. New Windsor, NY 12553 X	18-2-8 Carmela Caturano & Peter Golino 13 Walnut Ave. New Windsor, NY 12553 X	18-2-22 Kenneth & Joaquim Jr. Bento 16 Grand Ave. Newburgh, NY 12550 X
18-1-7 Robert J. Jr. & Mary R.W. Suphan 12 Walnut St. New Windsor, NY 12553 X	18-2-9 Maureen B. Pisano 11 Walnut Ave. New Windsor, NY 12553 X	18-2-24 Ronald C. & Renee E. Handy 16 Locust Ave. New Windsor, NY 12553 X
18-1-8 Theresa Margaret Whalen 14 Walnut St. New Windsor, NY 12553 X	18-2-10 Shawn C. & Allison J. McGrath 9 Walnut St. New Windsor, NY 12553 X	18-2-26 Gordon C. & Barbara Jean Ray 18 Locust Ave. New Windsor, NY 12553 X
18-1-9 Irene Meyers 16 Walnut St. New Windsor, NY 12553 X	18-2-11 John T. & Irene D. Clark 5 Walnut Ave. New Windsor, NY 12553 X	18-3-5 John A. & Marilyn Mellon 17 Locust Ave. New Windsor, NY 12553 X
18-1-21 Quassaick Fire Engine Co. Of New Windsor NY, Inc. 191 Walsh Rd. New Windsor, NY 12553 X	18-2-13 Joseph S. & Susan M. Dabroski 104 Cedar Ave. New Windsor, NY 12553 X	18-3-6 Thomas A. & Mary Ann Cimorelli 15 Locust Ave. New Windsor, NY 12553 X
18-2-3 Vincent M. & Priscilla Pallazzo 23 Walnut St. New Windsor, NY 12553 X	18-2-14 Joseph W. & Elsie A. Garstka 106 Cedar Ave. New Windsor, NY 12553 X	18-3-7 William F. Farrenkopf 13 Locust Ave. New Windsor, NY 12553 X

18-3-8
Mukesh & Rita M. Patel
11 Locust Ave.
New Windsor, NY 12553

18-3-10
Floyd M. & Margaret M. Farbent
9 Locust Ave.
New Windsor, NY 12553

18-3-11
Jean A. Bell & John A. DelPup
14 Pommel Dr.
Newburgh, NY 12553

18-3-12
Bobbi J. Muller & Gregory Turner
112 Cedar Ave.
New Windsor, NY 12553

18-3-13
Buddy Joe & Wilma Edwards
114 Cedar Ave.
New Windsor, NY 12553

18-3-14
Anna Crudele
116 Cedar Ave.
New Windsor, NY 12553

18-3-15
Ruth S. Cherry
118 Cedar Ave.
New Windsor, NY 12553

18-3-17
Anna & Sally Ann Thompson
6 Hickory Ave.
New Windsor, NY 12553

19-2-7
Roberta Puglio
7 Sunset Dr.
New Windsor, NY 12553

19-2-8
Robert & Joanne Babcock
5 Sunset Dr.
New Windsor, NY 12553

19-1-13
Vincent A. & Santa Quaglietta
14 Windsor Drive
New Windsor, NY 12553

19-2-1
Francis L. & Ruth A. Lawlor
7 Windsor Drive
New Windsor, NY 12553

19-2-2
Thomas J. & Bonnie Collins
5 Windsor Drive
New Windsor, NY 12553

19-2-6
Viola A. Kaliniak
9 Sunset Dr.
New Windsor, NY 12553

18-3-18
William L. Jr. & Tami R. Tenney
8 Hickory Ave.
New Windsor, NY 12553

18-3-19
Frank J. & Charlotte Chivattoni
10 Hickory Ave.
New Windsor, NY 12553

18-3-21
Anthony & Ann Marie D. DeMarco
& Mary Lou Dooley
12 Hickory Ave.
New Windsor, NY 12553

18-3-22
Elizabeth Brower
14 Hickory Ave.
New Windsor, NY 12553

18-2-23
Joseph H. & Donna J. Hall
16 Hickory Ave.
New Windsor, NY 12553

19-1-12
Anthony J. & Grace D. Spano
12 Windsor Dr.
New Windsor, NY 12553

19-4-1
Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

19-4-77
St. Francis Church
145 Benkard Ave.
Newburgh, NY 12550

19-4-96
Justine & John Casey
117 Cedar Ave.
New Windsor, NY 12553

19-4-97
Daniel C. & Nancy M. Spreer
115 Cedar Ave.
New Windsor, NY 12553

19-4-98
Donald F. Starkey &
Linda J. Lawrence
113 Cedar Ave.
New Windsor, NY 12553

19-4-99
Melody A. & Greg M. Geroux
111 Cedar Ave.
New Windsor, NY 12553

19-4-100
Gioavanne Forte
31 Willow Parkway
New Windsor, NY 12553

19-4-101
Bridget & Ralph Depew
103 Cedar Ave.
New Windsor, NY 12553

19-4-102
Cedar Avenue Trailer Park, Inc.
C/o Frank J. Miele
Hi-View Dr. RD 6
Carmel, NY 10512

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

98-39

Date: 10/14/98

I. ✓ Applicant Information:

- (a) Thomas Jannotti 102 Cedar Ave. New Windsor N.Y. 914-561-0593
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) R-4 102 Cedar Avenue 18 2 12 100/150
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? none
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1940
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- _____

IV. Use Variance. ^{NM}

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes____ No____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-14, ~~Table of~~ Supplementary Yard Regs., ~~entire~~ c(2).

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

I made my Front Porch 7 Feet Longer. Nothing I did will
Affect The Area.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: Oct. 15, 1998.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

x Thomas Janoff
(Applicant)

Sworn to before me this

15th day of October, 1998.

Patricia A. Barnhart
XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1999.

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

C. Exceptions to yard requirements.**(1) Permitted obstructions. [Amended 4-20-1988 by L.L. No. 3—1988]**

(a) Cornices or cantilevered roofs may project not more than three (3) feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six (6) inches into a required yard.

(b) Bay or bow windows cannot project more than thirty (30) inches into a required yard.

(c) Fences or walls not over six (6) feet in height may be erected anywhere on the lot except as follows:

[1] Between the principal building and the street or streets on which it fronts, the maximum permissible height shall be four (4) feet except as set forth in § 48-14B, Corner lots.

(d) Fences or walls with a height in excess of six (6) feet shall conform to the requirements set forth herein for buildings.

(e) Paved terraces, steps, walks and decks not exceeding three (3) feet above the average finished grade (measured along the front wall of the building which it serves), other than such as are needed to provide access to the buildings on the lot, shall not project to within fifteen (15) feet of a front lot line nor within ten (10) feet of any other lot line.

(2) Entries and porticos. A roofed-over but unenclosed projection in the nature of an entry or portico, not more than eight (8) feet wide and extending not more than six (6) feet out from the front wall of the building, shall be exempt from front yard

48-14 C (2).

requirements when the building otherwise complies with all other yard restrictions of this local law.

omit { (3) Existing setback. No proposed one- or two-family dwelling need have a setback greater than the average setback of the existing dwellings within two hundred (200) feet of each side of said proposed dwelling.

omit { (4) Front yards on narrow streets. On streets with less than a fifty-foot right-of-way, the front yard setback shall be measured from the center line of the existing street, and twenty-five (25) feet shall be added to the front yard setback.

D. (Reserved)⁵

§ 48-15. Supplementary regulations for nonresidential buildings.

A. Height regulations.

omit (1) Structures such as chimneys, flues, towers and spires may exceed the height limitations of § 48-12, provided that in the aggregate they occupy not more than twenty percent (20%) of the roof area and that the total height is not more than fifty percent (50%) higher than the average building height.

B. Waiver of yards. No side yard or rear yard shall be required where such yard abuts an operating railroad right-of-way.

C. Courts.

(1) The minimum dimension of an inner court shall not be less than twice the height of all surrounding walls. However, in no case shall an inner court have a dimension of less than thirty (30) feet. The height

⁵ Editor's Note: Former Subsection D, Uniformity of Design, was repealed 11-28-1996 by L.L. No. 7-1996.

Date 12/9/98, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO DR.

Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
9/14/98		Zoning Board	75.00	
		Misc - 1		
		Cestari - 2		
		Wilson - 3		
		Greer - 4		
		Lucas - 7		
		Jannotti - 9		
		N/W Partners - 18		
		Bila Partners - 42	387.00	
		86		
			462.00	

JANNOTTI, THOMAS

MR. NUGENT: Request for variation of Section 48-14C(2) of the supplemental Yard Regulations for over-sized deck at 102 Cedar Avenue in R-4 zone.

Mr. Thomas Jannotti appeared before the board for this proposal.

MR. JANNOTTI: I've got pictures of it.

MR. NUGENT: This is in the back of your house?

MR. JANNOTTI: No, front, there was an existing porch there and I, it had deteriorated, so I knocked it down and I built this, I made it a little bigger.

MR. NUGENT: You made it too big, is that what you're telling me?

MR. TORLEY: What's an oversized deck?

MR. BABCOCK: The law allows you to have, to have an eight foot wide by 16 foot out deck, that doesn't require a setback, it's considered entranceway in front of your house.

MR. TORLEY: Doesn't meet the front yard setback, is that it?

MR. BABCOCK: That's correct. Well, the front yard setback where his house is is right there now, so to have an entranceway to his house, he's allowed 6 foot by 8 foot deck for an entranceway and he has an eight foot by 21 foot deck.

MR. JANNOTTI: There was an eight foot by 14 foot porch.

MR. BABCOCK: I can only tell you what the law allows.

MR. JANNOTTI: I can only tell you what's been there for 50 years.

MR. NUGENT: He's encroaching on the front yard by two

feet, is that what we're saying?

MR. BABCOCK: No, I think the entire deck encroaches.

MR. NUGENT: By two feet, we're allowed 8 feet wide so you're saying that because it's 21 feet, it's 13 feet over that way and two feet out towards the road too close?

MR. BABCOCK: Right, you don't get a blanket eight foot front yard setback, you're allowed an eight foot by six foot entranceway.

MR. NUGENT: I understand that.

MR. TORLEY: Actually what we're asking for is basically a front yard variance, front yard setback variance, he considers this part of his house too close to the road.

MR. BABCOCK: If that is the way you'd like to do it.

MR. NUGENT: What's the distance from the front of the porch to the road?

MR. JANNOTTI: What does it measure from the front porch to the road? I didn't measure it, I don't know.

MR. NUGENT: Well, I think that's important.

MR. JANNOTTI: Well, what I took down was eight foot deep porch and I put up an eight foot deep porch.

MR. NUGENT: Well, what Mike is saying if you replace that porch exactly what was there, it was wrong.

MR. BABCOCK: That's correct, but it wasn't wrong when that house was built.

MR. KANE: If that was pre-existing, can he replace that exactly, Mike?

MR. BABCOCK: I'm not saying, I don't believe according to the records within the Town of New Windsor, apparently, we don't believe that it was pre-existing.

It may have been pre-existing since he's lived there, I don't know how long that is, but according to our records--

MR. JANNOTTI: It's on your, it's in your files, that's where I got the numbers from, it's on the property map.

MR. BABCOCK: Okay.

MR. NUGENT: How old are you?

MR. JANNOTTI: 52.

MR. NUGENT: He's been there 52 years.

MR. TORLEY: You're replacing it with 18 x 21 feet, if that's the case and the record can be found to substantiate that, that means the previous deck encroached, was a pre-existing encroachment on the front yard setback.

MR. BABCOCK: No.

MR. TORLEY: If he had an eight foot by 14 foot front entrance that was too big for the entranceway requirements, it would just be an even encroachment as part of the house and now he made 8 feet by 21 feet and didn't come any closer to the road. If he can demonstrate that the 8 x 14 pre-existed the zoning code, it should be grandfathered in.

MR. BABCOCK: As long as you say it on the record, he's all set.

MR. TORLEY: I will say that on the record if we can find substantiation of the 8 x 14 foot.

MR. BABCOCK: Front yard setback does not come into play, he's allowed an entranceway, if you give him a front yard setback, that's fine, then he can build the whole entire length of his house within eight foot to the property line.

MR. TORLEY: If the structure that was there before was too big to have been considered an entranceway, if it

pre-existed zoning was 8 x 14 foot piece of his house, now he has an 8 x 21 foot piece of the front, but if that doesn't come closer to the house, wouldn't that be grandfathered in? Forget it being the entranceway, just part of his house would be?

MR. BABCOCK: Right.

MR. TORLEY: If he can show that, that part of his house was there before zoning and he just lengthened it, he didn't make it closer to the road, he should be okay. He hasn't encroached any further toward the road than the pre-existing non-conforming use.

MR. BABCOCK: But since the front porch is within the front yard setback--

MR. TORLEY: Don't think of it as a front porch, if it was part of his house.

MR. BABCOCK: It's not my decision, it's yours. He's here tonight, you make the decision. I understand what he's saying too and it's fine with me, I'll write it up any way you want it written up, you just say it.

MR. TORLEY: If the gentleman can demonstrate that the 8 x 14 foot part of his house pre-existed zoning and he's merely lengthened it and not brought it closer to the road, it's my opinion that it's just a modification of a pre-existing non-conforming use.

MR. KANE: I agree, he he can prove that then I don't have a problem with it.

MR. JANNOTTI: It's on a map in his office in his files because that's where I got the numbers from.

MR. KANE: The numbers that are in that file may say when the house is built, it may not show exactly when the deck was added on and put.

MR. JANNOTTI: That was put on in the early '40's.

MR. TORLEY: If you can show that.

MS. BARNHART: We need proof when it was done.

MR. JANNOTTI: I have pictures when I was this big.

MR. KRIEGER: Last person who faced this difficulty was able to produce a witness who was able, who testified before the board that that was the case. Obviously, the witness had to be somebody other than the applicant but--

MR. JANNOTTI: My mother's still alive.

MR. KRIEGER: Does she have ownership interest in the property?

MR. JANNOTTI: No.

MR. KRIEGER: Okay. The board may take into, legally speaking, they may take into account any question of bias, but they don't have to decide, there are no conclusions compelled, you can consider it and say no.

MR. TORLEY: I'd be happy with an old photograph.

MR. JANNOTTI: I can supply photographs.

MS. BARNHART: He's going to have to change the concept of what he's asking for. We got the Notice of Denial based on 48-14C 2, so if he wants to change that, he should do that now.

MR. TORLEY: Why don't you do that, then he can have a second preliminary if it's established that it's a pre-existing non-conforming use, I suggest we have another preliminary meeting to show that if he shows up with the documentation, says it pre-exists zoning, then fine.

MS. BARNHART: He can't extend pre-existing.

MR. TORLEY: He's not changing, bringing it any closer than the road. In any case, you can put it down as the 30 percent increase in the pre-existing non-conforming use.

MR. REIS: Because he's expanding the structure.

MR. TORLEY: He's just lengthening.

MR. REIS: I still see it necessitating a variance, Michael, would you say that that would be accurate if he expands a structure?

MR. BABCOCK: If the house is more than the required road frontage or front yard setback, you're allowed to put any size deck you want on. Once your house is I think this house is about 36 feet from the road, the house, the front of, the very front of the house, the law requires different sections of the code cause he's not 40 feet. So, the law says that you're allowed in this situation to have an eight foot by six foot deck or entranceway into your house, which is exempt from the requirements. Anything bigger than that is not exempt. And that is the way we wrote it up.

MR. REIS: So he's replacing the old structure whatever you want to call it and expanding on it?

MR. TORLEY: But not closer to the road.

MR. BABCOCK: Right.

MR. REIS: Right but--

MR. KANE: He's still expanding.

MR. REIS: If he kept it the same way, he wouldn't be here but the fact that he's expanding it.

MR. TORLEY: Question, if the person comes in and has the right, he may expand a pre-existing non-conforming use by 30 percent.

MS. BARNHART: With a public hearing.

MR. TORLEY: So he has to do a public hearing for that.

MS. BARNHART: Whatever he does with it, he's still going to have to have a public hearing, so whatever you guys want to do.

MR. REIS: Accept a motion?

MR. NUGENT: I will accept a motion.

MR. REIS: Make a motion we set up Mr. Thomas Jannotti for requested variance for his expanded deck porch.

MR. JANNOTTI: It was a porch, it's a deck now.

MR. REIS: At 102 Cedar Avenue.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MS. BARNHART: You still weren't specific on what you're asking him for, are you asking him for--

MR. TORLEY: Front yard setback variance.

MR. BABCOCK: No, I think there's a specific section of the code.

MR. TORLEY: If he's allowed that size then we're saying we're going to permit him a larger front entrance, according to that code, or just give him a change in his front yard setback. I think the structure's more like a front yard set back than a big entranceway.

MR. BABCOCK: The only problem is that if you give him a front yard setback, he can build it the whole entire length of his house.

MR. TORLEY: It's 21 feet wide now, how wide is your house?

MR. JANNOTTI: Twice that, but I have no intentions.

MR. KANE: Doesn't matter, the next person can close the whole thing in.

MR. JANNOTTI: The rest of the house is two car garage, you can't build anything in front of that.

MR. REIS: He's submitting documentation for the size that he wants and we're giving him a variance based on that information.

MR. BABCOCK: I would say yes.

MR. NUGENT: And only that.

MR. JANNOTTI: Make that clear, please.

MR. NUGENT: You're asking for a variance based on size, what you just gave us 8 x 21 and if we grant it, that's all that it's going to be.

MR. JANNOTTI: Oh, yeah.

MR. NUGENT: 8 x 21.

MR. JANNOTTI: It's not going anywhere.

MS. BARNHART: Looking for a front yard variance, you have to change this, Mike.

MR. BABCOCK: Mr. Chairman, if it's going stay the same, why don't we leave the same?

MR. KRIEGER: If it's a front yard variance, then he can stretch it all the way across the property, which is contrary to what the chairman said.

MR. TORLEY: Variance of the size requirements of the front entrance.

MR. BABCOCK: Of the front entranceway.

MS. BARNHART: That would be Section 48-14 C(2), right?

MR. BABCOCK: Right.

MR. NUGENT: Okay.

MR. BABCOCK: If his house was 41 feet from the property line and now he's coming out 8 feet, he's only allowed to come out one foot, he would need a 7 foot variance. But the law is very specific with what, when your house is not the required distance from the property line what your entranceway could be and that is 4814 C(2).

MS. BARNHART: Mr. Jannotti, I have some paperwork for you.

MR. KRIEGER: If when you come back you'd address yourself to the criteria set forth on the sheet, it would be helpful, since those are the criteria that the state required the zoning board must go by.

MR. JANNOTTI: Thank you.